

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

FEDERAL HOME LOAN MORTGAGE
CORPORATION,

Plaintiff,

MICHAEL D. MARTIN, et al.,

Defendants.

CASE NO. C13-5720 BHS

ORDER REMANDING CASE

This matter comes before the Court on Defendants' notice of removal and related documents. Dkt. 1.

On October 14, 2013, Plaintiff filed an unlawful detainer action in Clark County Superior Court for the State of Washington. *Id.* On December 3, 2013, Defendants removed the action to this Court. *Id.*

The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based,

1 or within 30 days after the service of summons upon the defendant if such initial pleading
2 has then been filed in court and is not required to be served on the defendant, whichever
3 period is shorter. 28 U.S.C. § 1446(b)(1). Moreover, if at any time before final judgment
4 it appears that the district court lacks subject matter jurisdiction, the case shall be
5 remanded. 28 U.S.C. § 1447(c).

6 In this case, Defendants' removal is deficient because the Court lacks subject
7 matter jurisdiction over Plaintiff's action. An unlawful detainer action is a state law
8 action for possession of real property. Federal courts are courts of limited jurisdiction,
9 and such an action to obtain possession of real property does not create jurisdiction in this
10 court. Therefore, the Court *sua sponte* **REMANDS** the matter to Clark County Superior
11 Court.

12 **IT IS SO ORDERED.**

13 Dated this 4th day of December, 2013.

14
15
16
17
18
19
20
21
22



BENJAMIN H. SETTLE
United States District Judge